

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In The Matter of	:	
	:	
	:	Proceeding under Section 308 of the
	:	Clean Water Act, 33 U.S.C. § 1318
Latrobe Municipal Authority	:	
PO Box 88	:	
Latrobe, PA	:	
	:	
	:	
	:	
	:	
	:	INFORMATION REQUIREMENT
Respondent	:	
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I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of National Pollutant Discharge Elimination System (NPDES) Permits and Enforcement. EPA hereby requires Latrobe Municipal Authority (LMA or Respondent) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;

- c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
- 3. Failure to respond as directed to a CWA Section 308 requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
 - 4. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. INSTRUCTIONS

- 5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
- 6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.
- 7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
- 8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
- 9. If tabulation is requested, provide the requested information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file in Microsoft Excel format.

10. To the extent information requested herein was previously provided to EPA by LMA, there is no need to provide it again; simply identify the information, the date, and the name of the person it was provided previously.
11. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.
12. All submissions provided pursuant to this request shall be signed and dated by a responsible official of Respondent and include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Signed _____
Title _____
Date _____

13. Submit a copy of your response to the following individual:

Ms. Kaitlin McLaughlin (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

14. If you have questions regarding this Information Requirement, you may contact Ms. Kaitlin McLaughlin of the NPDES Enforcement Branch at (215) 814-2393.

IV. DEFINITIONS

15. The term “collection and/or conveyance system” means the system used for the transport of all wastewater including process wastewater from its source to a facility where treatment of the wastewater occurs.
16. A “Combined Sewer Overflow” (CSO) shall mean the discharge from a Combined Sewer System at a point prior to the POTW. CSOs are point sources subject to NPDES permit requirements including both technology-based and water quality-based requirements of the CWA.
17. The terms “Document”, “Documents” and “Documentation” shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.
18. The term “identify” with respect to a natural person means to provide that person’s name, address, telephone number, title, and relationship to Respondent. The term “identify” with respect to a business entity means to provide that entity’s name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.
19. “Infiltration” shall mean water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes, as defined by 40 C.F.R. § 35.2005(b)(20).
20. “Inflow” shall mean water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash waters, or drainage, as defined by 40 C.F.R. § 35.2005(b)(21).
21. The “Latrobe System” or “System” refers to any devices used in the collection, storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastes of a liquid nature in Latrobe, Pennsylvania. It also includes sewers, pipes, and other conveyances that convey wastewater to the Latrobe POTW.

22. The term “Permit” shall refer to the NPDES Permit No. DE 0050326.
23. “Private Lateral” shall mean that portion of the Wastewater Collection and Transmission System, not owned by LMA, used to convey wastewater from a building or buildings to that portion of the Wastewater Collection and Transmission System owned by LMA.
24. The term “Publicly Owned Treatment Works” (POTW) has the meaning set forth in 40 C.F.R. 403.3(q).
25. The term “satellite” refers to an entity which maintains its own collection system, collects domestic sewage from individual, commercial, industrial and other users, and discharges, either directly or indirectly, into the Latrobe System (e.g., a municipality).

V. INFORMATION REQUIREMENT

AND NOW, this _____ day of _____, 2015, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, within thirty (30) days of the effective date of this Information Requirement:

26. Copies of the Municipal Wasteload Management Reports (Chapter 94) for calendar years 2012, 2013, and 2014 for the City of Latrobe.
27. In narrative form, describe the relationship between the City of Latrobe and the Latrobe Municipal Authority (LMA) regarding maintenance and operation of the Latrobe collection and conveyance System.
28. The Permit requires LMA to implement technology-based nine minimum controls (NMCs). Provide a narrative summary of all actions that LMA has taken to implement the technology-based NMCs, and the effectiveness of such actions for each of the calendar years 2012 through 2014. In your response specifically address actions taken for each NMC below:
 - a. Proper operation and regular maintenance programs for the sewer system and the CSOs;
 - b. Maximum use of the collection system for storage;
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized;
 - d. Maximization of flow to the POTW for treatment;
 - e. Prohibition of CSOs during dry weather;
 - f. Control of solid and floatable materials in CSOs;
 - g. Pollution prevention;
 - h. Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts; and
 - i. Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

29. Provide financial documentation that includes but is not limited to: a statement of revenues and expenditures; a balance sheet; and a statement of projected cash flows; for LMA's sewer and wastewater related activities for fiscal years 2012, 2013, and 2014.
30. LMA provides services to satellite communities and customer municipalities for wastewater treatment. Provide a narrative description of wastewater treatment services that LMA provides to satellite communities and customer municipalities. In your response provide a response to the following with regard to LMA's service area:
 - a. Does the System serve the entire City of Latrobe or only portions?
 - i. For the portion served in response to 35a, provide the number of households served
 - ii. For the portion not served in response to 35a, provide the number of households not served and the name(s) of the wastewater service provider.
 - b. Identify the communities outside of the City of Latrobe for which LMA provides wastewater collection and/or treatment services.
 - i. For each such community provide an estimate of the number of households, commercial properties, and industrial sites served by LMA.
 - ii. Provide the most recent contract agreement with each satellite (if amended then provide the entire history of contract agreements).
 - c. Provide hard copies and electronic maps that outline the boundaries of the services area. The maps should include depict the System's sanitary sewer lines and mains including, if possible, those of all satellites.
31. Provide documentation related to all current bonds with principal balances held by either LMA or the City for System financing, including but not limited to bond prospectuses, insurance ratings, amortization schedules or audits.
32. Provides documentation of all federal, state and/or local grant financing obtained within the last five years for wastewater or sewer system improvements including, but not limited to, applications, correspondence, updates, or other reports.
33. Provide the most recent wastewater rate study conducted by or for LMA for wastewater collection and treatment services and any computations and documentation supporting the incorporation of infiltration and inflow into the LMA's rate determinations.
34. For customer municipalities provide, data regarding revenues and flows billed for 2012, 2013, and 2014. If possible, break down system flow information by commercial, industrial, residential, and satellite users. Identify the customer account classification for:

- a. multi-family apartment buildings;
 - b. state government offices and buildings; and,
 - c. low-income housing.
- 35. Provide computations determining the rate schedule for wastewater services to satellite and associated correspondence with the satellites in 2012, 2013, and 2014.
- 36. Please provide any additional information LMA wishes to provide relevant to its financial status.
- 37. How does LMA track spills and CSO discharges?
- 38. How and when does LMA notify and provide follow-up information to the State about spills and CSO discharges?
- 39. Provide overflow records for each combined sewer overflow (CSO) for the past five years. The information for each spill should include, at a minimum, the following: Date of overflow, time reported, location of overflow (address and CSO identification number), whether it reached a surface water, total volume of the overflow, volume of spill recovered, volume of overflow that reached a surface water, the appearance point of the overflow, final spill destination, overflow cause and explanation, whether a health warning was posted.
- 40. List all constructed overflow points in the POTW collections system. Provide the latitude and the longitude of the overflow point and the nearest cross street.
- 41. Provide all sewer discharges in buildings or building backups in the past five years, the estimated volume for each discharge, and the cost of settled claims for each overflow.
- 42. Does the utility have a written Spill Response Plan? If the utility has a spill response plan, is the plan carried by maintenance/spill response crews?
- 43. Does the utility have detailed sewer system maps, are maps on GIS database, and if so are the maps available to maintenance crews?
- 44. How many years does it take the system to clean and inspect the entire collection system?
- 45. Does the utility have a fats, oils and grease (FOG) control program? Provide source control ordinance and ordinance citation. Provide the agency responsible for implementing the FOG control program.
- 46. Describe Inflow and Infiltration (I&I) control projects (miles of pipe rehabilitated or replaced for I&I control) including recently completed projects and planned projects.

47. Describe capacity control measures (relief sewers, storage, WWTP expansion, etc.), recently completed projects, and planned projects in the collection system.
48. Provide the plan that the system developed for operation and maintenance for the collection system, for example, a Capacity, Management, Operation, and Maintenance (CMOM) Program. In your response provide the schedule that the plan or plans is updated to reflect operational changes.
49. Provide any additional information LMA wishes to provide relevant to its compliance status.

VI. EFFECTIVE DATE

This INFORMATION REQUEST is effective upon receipt.

Date: _____

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement